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THIRD COMMITTEE
Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

United States of America: draft resolution

Situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Rights of the Child, 4/ the Convention on the Prevention and Punishment of the Crime of Genocide, 5/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 6/ and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 for the Protection of War Victims 7/

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 44/25, annex.

5/ Resolution 260 A (III).

6/ Resolution 39/46, annex.

7/ United Nations, Treaty Series, vol. 75, Nos. I-970, I-971, I-972 and I-973.

and the Additional Protocols thereto of 1977, 8/ as well as the principles and commitments undertaken by States members of the Conference on Security and Cooperation in Europe,

Gravely concerned at the human tragedy in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and at the continuing massive and systematic violations of human rights occurring in most of those areas, particularly in the areas of Bosnia and Herzegovina under Bosnian Serb control,

Recalling its resolution 47/147 of 18 December 1992, Commission on Human Rights resolutions 1992/S-1/1, 1992/S-2/1 and 1993/7, and relevant resolutions of the Security Council,

Recalling specifically Security Council resolutions 771 (1992) of 13 August 1992, 780 (1992) of 6 October 1992, 787 (1992) of 16 November 1992, 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993 in which the Council demanded, inter alia, that all parties and others concerned in the former Yugoslavia immediately cease and desist from all breaches of international humanitarian law, requested the Secretary-General to establish a commission of experts to examine and analyse information relating to serious violations of such law being committed in the territory of the former Yugoslavia, and established an international tribunal for the prosecution of persons responsible for such violations,

Welcoming the convening of the International Tribunal and the naming of its Special Prosecutor,

Welcoming also Security Council resolutions 824 (1993) and 836 (1993) in which the Council declared that Sarajevo, Tuzla, Zepa, Gorazde, Bihac, Srebrenica and their surroundings should be treated as safe areas and that international humanitarian agencies should be given free and unimpeded access to these areas,

Welcoming further the interim report 9/ and recommendations of the Special Rapporteur,

Expressing appreciation to all States that have cooperated with the United Nations High Commissioner for Refugees,

Recalling its resolution 47/80 of 16 December 1992, in which it condemned unreservedly "ethnic cleansing" and acts of violence arising from racial hatred, and reiterated its conviction that those who committed or ordered the commission of acts of "ethnic cleansing" were individually responsible and should be brought to justice, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly, inter alia, stated that the abhorrent policy of "ethnic cleansing" was a form of genocide,

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8/ Ibid., vol. 1125, Nos. I-17512 and I-17513.

9/ S/26469.

Noting with appreciation the efforts of the Special Rapporteur, as well as those of the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the representative of the Secretary-General on internally displaced persons, who accompanied him on his missions,

Encouraging the continuing efforts made in the framework of the International Conference on the Former Yugoslavia to find a peaceful solution,

Welcoming the ongoing efforts of the Conference on Security and Cooperation in Europe to re-establish its presence in the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to prevent further human rights violations, and deeply concerned about the decision of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to expel the monitoring missions of the Conference on Security and Cooperation in Europe and the European Community of long duration to Kosovo, Sandjak and Vojvodina, where the human rights situation remains a cause of great concern,

Gravely concerned at the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular at the continuing, odious practice of "ethnic cleansing", which is the direct cause of the vast majority of human rights violations there and whose principal victims are the Muslim population threatened with virtual extermination,

Noting the discriminatory policies, measures, and violent actions committed against ethnic Albanians in Kosovo,

Strongly rejecting policies and ideologies aimed at "ethnic cleansing" and at promoting racial and religious hatred in any form,

Alarmed that, although the conflict in Bosnia and Herzegovina is not a religious conflict, it has been characterized by the systematic destruction and profanation of mosques, churches and other places of worship, as well as other sites of cultural heritage, in particular in areas currently or previously under Bosnian Serb and Bosnian Croat control,

1. Commends the Special Rapporteur for his reports 10/ on the situation of human rights in the territories of the successor States of the former Yugoslavia;

2. Expresses its grave concern at the Special Rapporteur's detailed reports of violations of human rights and humanitarian law and his conclusions about the impending humanitarian disaster in Bosnia and Herzegovina this winter;

3. Condemns in the strongest terms all violations of human rights and international humanitarian law in Bosnia and Herzegovina, Croatia and the

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10/ S/26383, S/26415, S/26469.

Federal Republic of Yugoslavia (Serbia and Montenegro) by all sides to the conflict, in particular the Bosnian Serbs, who have used such tactics as a matter of policy;

4. Condemns also the specific violations identified by the Special Rapporteur, most of which are committed in connection with "ethnic cleansing", and which include killings, torture, beatings, arbitrary searches, rape, disappearances, destruction of houses and other acts or threats of violence aimed at forcing individuals to leave their homes, as well as reports of violations of human rights in connection with detention;

5. Condemns further the indiscriminate shelling of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services, and besieging of cities and the use of military force against civilian populations and relief operations by all sides, recognizing that the main responsibility lies with Bosnian Serbs, who have used such tactics as a matter of policy;

6. Endorses the determination of the Security Council that all persons who perpetrate or authorize violations of international humanitarian law are individually responsible for those breaches and that the international community shall exert every effort to bring them to justice;

7. Urges all States, United Nations bodies, including the specialized agencies, and the Special Rapporteur and, as appropriate, international humanitarian organizations, to make available substantiated information in their possession or submitted to them relating to the violations and the perpetrators of such violations of international humanitarian law, including grave breaches of the Geneva Conventions, in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to the International Tribunal established by Security Council resolution 827 (1993) for prosecution, as appropriate, by the Chief Prosecutor;

8. Expresses deep concern at the number of disappearances and missing persons in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

9. Urges that an immediate end be brought to the continuing practice of "ethnic cleansing", and in particular that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) use their influence with the self-proclaimed Serbian authorities in Bosnia and Herzegovina and Croatia to bring the practice of "ethnic cleansing" to an immediate end and to reverse the effects of that practice;

10. Reaffirms that States are to be held accountable for violations of human rights which their agents commit upon their own territory or the territory of another State;

11. Expresses its complete support for the victims of these violations, reaffirms the right of all persons to return to their homes in safety and dignity, considers invalid all acts made under duress affecting ownership of property and other related questions, recognizes the right of victims of "ethnic

cleansing" to receive just reparation for their losses, and urges all parties to fulfil their agreements to this end;

12. Condemns in particular the violations of human rights and humanitarian law in connection with detention, including killings, torture and the systematic practice of rape, and urges the immediate, internationally supervised release of all persons arbitrarily or illegally detained in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and the immediate closure of all detention facilities not in compliance with the Geneva Conventions of 12 August 1949; 7/

13. Urges all parties to immediately notify the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention within Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and that the International Committee of the Red Cross, the Special Rapporteur and his staff, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Conference on Security and Cooperation in Europe and other relevant international and regional organizations be granted immediate, unimpeded and continued access to such places of detention;

14. Expresses its grave concern at the deteriorating human rights situation in Serbia, particularly in Kosovo, as described in the Report of the Special Rapporteur, and condemns the violations of human rights occurring there, including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and discrimination in the administration of justice, which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

(b) The discriminatory removal of ethnic Albanian officials, especially from the police and judiciary, the mass dismissal of ethnic Albanians from professional, administrative and other skilled positions in State-owned enterprises and public institutions, including teachers from the Serb-run school system, and the closure of Albanian high schools and universities;

(c) Arbitrary imprisonment of ethnic Albanian journalists, the closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

(d) Repression by the Serbian police and military;

15. Strongly condemns the measures and practices of discrimination and the violations of the human rights of the ethnic Albanians of Kosovo, as well as the large-scale repression, committed by the Serbian authorities;

16. Urges that the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end the human rights violations inflicted on the Albanian population of Kosovo, including, in

particular, the discriminatory measures and practices, as well as the summary executions, arbitrary detention and the use of torture and other cruel, inhuman or degrading treatment;

(b) Revoke all discriminatory legislation, in particular that which has entered into force after 1989;

(c) Re-establish the democratic institutions of Kosovo, including the Parliament and the judiciary;

17. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo, and expresses its view that the best means to safeguard human rights in Kosovo is to restore its autonomy;

18. Expresses its grave concern at the report by the Special Rapporteur of violations of human rights occurring in Sandjak and Vojvodina, particularly acts of physical harassment, abductions, the burning of homes, warrantless searches, confiscation of property and other discriminatory practices in favour of the Serbian population, which are intended to change the ethnic structure of those areas;

19. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the missions of the Conference on Security and Cooperation in Europe in Kosovo, Sandjak and Vojvodina and to cooperate with the Conference on Security and Cooperation in Europe by taking the practical steps for the resumption of the activities of these missions as called for by the Security Council in its resolution 855 (1993) in order to prevent the extension of the conflict of those areas;

20. Reaffirms that all parties to the conflict in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) share the responsibility for finding a peaceful solution through negotiations under the auspices of the International Conference on the Former Yugoslavia, and calls upon the parties to implement immediately all commitments made in the framework of the International Conference on the Former Yugoslavia and to reach a just and durable solution as soon as possible;

21. Urges all United Nations bodies, including the United Nations Protection Force, the United Nations human rights treaty bodies and the specialized agencies, and Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Special Rapporteur, and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

22. Urges all States and relevant organizations to consider implementation of the recommendations of the Special Rapporteur and his recent reports, and in particular:

(a) Welcomes the Special Rapporteur's call for the opening of humanitarian relief corridors to prevent the imminent death of tens of thousands of persons, especially in view of the lack of access to many areas in the face of the coming winter;

(b) Supports the Special Rapporteur's call for the immediate release of detainees into conditions of safety;

(c) Draws the attention of the international community to the need for an effective response to counter the policy of "ethnic cleansing" perpetrated by all sides to the conflict, particularly the Bosnian Serb forces, who have used such tactics as a matter of policy, and Bosnian Croat forces;

(d) Supports the request of the Special Rapporteur to the Croatian authorities to take action against those who have committed human rights violations and contravened international humanitarian standards in the Medak Pocket and to take steps to punish those responsible to prevent such incidents in the future;

(e) Welcomes the announcement by all parties, after their meeting on 18 November 1993 with the United Nations High Commissioner for Refugees, that they will allow humanitarian convoys to get through, and urges them to live up to this undertaking;

23. Urges the Secretary-General to take all necessary steps to ensure the full and effective coordination of all United Nations bodies to implement the present resolution, and urges those bodies concerned with the situation in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to coordinate closely with the Special Rapporteur and the Tribunal;

24. Also urges the Secretary-General, within the overall budgetary framework of the United Nations, to make all necessary resources available for the Special Rapporteur to carry out his mandate and in particular to provide him with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force;

25. Requests the Secretary-General to give all other necessary assistance to the Special Rapporteur to enable him to fulfil his mandate;

26. Calls upon the States concerned to cooperate fully with the Special Rapporteur in order to enable him to fulfil his mandate;

27. Recommends that the Chief Prosecutor consider the appointment to his office of experts in the prosecution of crimes of sexual violence;

28. Calls upon States to contribute such experts to the Chief Prosecutor and the Tribunal;

29. Decides to continue its examination of the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) at its forty-ninth session under the item entitled "Human rights questions".

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Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

United States of America: revised draft resolution

Situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Rights of the Child, 4/ the Convention on the Prevention and Punishment of the Crime of Genocide, 5/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 6/ and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of victims of war 7/ and the Additional Protocols thereto of 1977, 8/ as well as the

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 44/25, annex.

5/ Resolution 260 A (III).

6/ Resolution 39/46, annex.

7/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

8/ Ibid., vol. 1125, Nos. 17512 and 17513.

principles and commitments undertaken by States members of the Conference on Security and Cooperation in Europe,

Gravely concerned at the human tragedy in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and at the continuing massive and systematic violations of human rights occurring in most of those areas, particularly in the areas of Bosnia and Herzegovina under Bosnian Serb control,

Recalling its resolution 47/147 of 18 December 1992, Commission on Human Rights resolutions 1992/S-1/1, 1992/S-2/1, 1993/7 and relevant resolutions of the Security Council,

Recalling specifically Security Council resolutions 771 (1992) of 13 August 1992, 780 (1992) of 6 October 1992, 787 (1992) of 16 November 1992, 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993 in which the Council demanded, inter alia, that all parties and others concerned in the former Yugoslavia immediately cease and desist from all breaches of international humanitarian law, requested the Secretary-General to establish a commission of experts to examine and analyse information relating to serious violations of such law being committed in the territory of the former Yugoslavia, and established an international tribunal for the prosecution of persons responsible for such violations,

Welcoming the convening of the International Tribunal and the naming of its Chief Prosecutor,

Welcoming also Security Council resolutions 824 (1993) and 836 (1993) in which the Council declared that Sarajevo, Tuzla, Zepa, Gorazde, Bihac, Srebrenica and their surroundings should be treated as safe areas and that international humanitarian agencies should be given free and unimpeded access to these areas,

Welcoming further the interim report 9/ and recommendations of the Special Rapporteur,

Expressing appreciation to all States that have cooperated with the United Nations High Commissioner for Refugees,

Recalling its resolution 47/80 of 16 December 1992, in which it condemned unreservedly "ethnic cleansing" and acts of violence arising from racial hatred, and reiterated its conviction that those who committed or ordered the commission of acts of "ethnic cleansing" were individually responsible and should be brought to justice, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly, inter alia, stated that the abhorrent policy of "ethnic cleansing" was a form of genocide,

Noting with appreciation the efforts of the Special Rapporteur, as well as those of the Chairman of the Working Group on Arbitrary Detention, the Special

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9/ S/26469.

Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the representative of the Secretary-General on internally displaced persons, who accompanied him on his missions,

Encouraging the continuing efforts made in the framework of the International Conference on the Former Yugoslavia to find a peaceful solution,

Welcoming the ongoing efforts of the Conference on Security and Cooperation in Europe to re-establish its presence in the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to prevent further human rights violations, and deeply concerned about the decision of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to expel the monitoring missions of the Conference on Security and Cooperation in Europe and the European Community of long duration to Kosovo, Sandjak and Vojvodina, where the human rights situation remains a cause of great concern,

Welcoming also the efforts of the European Union, inter alia through its monitoring missions, to promote respect for human rights and fundamental freedoms in the territory of the former Yugoslavia,

Gravely concerned at the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular at the continuing, odious practice of "ethnic cleansing", which is the direct cause of the vast majority of human rights violations there and whose principal victims are the Muslim population threatened with virtual extermination,

Noting the discriminatory policies, measures and violent actions committed against ethnic Albanians in Kosovo, and aware of the possible escalation of the situation into a violent conflict there,

Strongly rejecting policies and ideologies aimed at "ethnic cleansing" and at promoting racial and religious hatred in any form,

Alarmed that, although the conflict in Bosnia and Herzegovina is not a religious conflict, it has been characterized by the systematic destruction and profanation of mosques, churches and other places of worship, as well as other sites of cultural heritage, in particular in areas currently or previously under Bosnian Serb and Bosnian Croat control,

1. Commends the Special Rapporteur on the situation of human rights in the territories of the successor States of the former Yugoslavia for his reports; 10/

2. Expresses its grave concern at the Special Rapporteur's detailed reports of massive and systematic violations of human rights and humanitarian law in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

10/ S/26383, S/26415, S/26469.

3. Notes with grave concern the Special Rapporteur's conclusions about the impending humanitarian disaster in the Federal Republic of Bosnia and Herzegovina this winter;

4. Condemns in the strongest terms all violations of human rights and international humanitarian law in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), by all sides to the conflict, recognizing that the leadership in territory under the control of Serbs in the Republics of Bosnia and Herzegovina and Croatia, the commanders of Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bear primary responsibility for most of these violations;

5. Condemns also the specific violations identified by the Special Rapporteur, most of which are committed in connection with "ethnic cleansing", and which include killings, torture, beatings, arbitrary searches, rape, disappearances, destruction of houses and other acts or threats of violence aimed at forcing individuals to leave their homes, as well as reports of violations of human rights in connection with detention;

6. Condemns further the indiscriminate shelling of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services, and besieging of cities and the use of military force against civilian populations and relief operations by all sides, recognizing that the main responsibility lies with Bosnian Serbs, who have used such tactics as a matter of policy and the Bosnian Croats;

7. Supports the determination of the Security Council that all persons who perpetrate or authorize violations of international humanitarian law are individually responsible for those breaches and that the international community shall exert every effort to bring them to justice;

8. Urges all States, United Nations bodies, including the specialized agencies, and the Special Rapporteur and, as appropriate, international humanitarian organizations, to make available substantiated information in their possession or submitted to them relating to the violations and the perpetrators of such violations of international humanitarian law, including grave breaches of the Geneva Conventions, in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to the International Tribunal established by Security Council resolution 827 (1993) for prosecution, as appropriate, by the Chief Prosecutor;

9. Expresses deep concern at the number of disappearances and missing persons in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and reiterates calls on all parties to make all possible efforts to account for those missing;

10. Urges that an immediate end be brought to the continuing practice of "ethnic cleansing", and in particular that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) use their influence with the self-proclaimed Serbian authorities in Bosnia and Herzegovina and Croatia to bring the practice of "ethnic cleansing" to an immediate end and to reverse the effects of that practice;

11. Urges the Government of Croatia to use its influence with the self-proclaimed Croatian authorities in Bosnia and Herzegovina to bring the practice of "ethnic cleansing" to an immediate end and to reverse the effects of that practice;

12. Reaffirms that States are to be held accountable for violations of human rights which their agents commit upon their own territory or the territory of another State;

13. Expresses its complete support for the victims of these violations, reaffirms the right of all persons to return to their homes in safety and dignity, considers invalid all acts made under duress affecting ownership of property and other related questions, recognizes the right of victims of "ethnic cleansing" to receive just reparation for their losses, and urges all parties to fulfil their agreements to this end;

14. Condemns in particular the violations of human rights and humanitarian law in connection with detention, including killings, torture and the systematic practice of rape, and urges the immediate, internationally supervised release of all persons arbitrarily or illegally detained in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro); 7/

15. Calls for the immediate closure of all detention facilities not in compliance with the Geneva Conventions of 12 August 1949; 7/

16. Urges all parties to notify immediately the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention within Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and that the International Committee of the Red Cross, the Special Rapporteur and his staff, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Conference on Security and Cooperation in Europe and other relevant international and regional organizations be granted immediate, unimpeded and continued access to such places of detention;

17. Expresses its grave concern at the deteriorating human rights situation in Serbia, particularly in Kosovo, as described in the reports of the Special Rapporteur, and strongly condemns the violations of human rights occurring there;

18. Strongly condemns in particular the measures and practices of discrimination and the violations of the human rights of the ethnic Albanians of Kosovo, as well as the large-scale repression, committed by the Serbian authorities including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and discrimination in the administration of justice, which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

(b) The discriminatory removal of ethnic Albanian officials, especially from the police and judiciary, the mass dismissal of ethnic Albanians from

professional, administrative and other skilled positions in State-owned enterprises and public institutions, including teachers from the Serb-run school system, and the closure of Albanian high schools and universities;

(c) Arbitrary imprisonment of ethnic Albanian journalists, the closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

(d) Repression by the Serbian police and military;

19. Urges the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to:

(a) Take all necessary measures to bring to an immediate end the human rights violations inflicted on the ethnic Albanians in Kosovo, including, in particular, discriminatory measures and practices, arbitrary detention and the use of torture, other cruel, inhuman or degrading treatment and the occurrence of summary executions;

(b) Revoke all discriminatory legislation, in particular that which has entered into force after 1989;

(c) Re-establish the democratic institutions of Kosovo, including the Parliament and the judiciary;

(d) Resume dialogue with the ethnic Albanians in Kosovo, including under the auspices of the International Conference on the Former Yugoslavia;

20. Also urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo, and expresses its view that the best means to safeguard human rights in Kosovo is to restore its autonomy;

21. Expresses its grave concern at the report by the Special Rapporteur of violations of human rights occurring in Sandjak and Vojvodina, particularly acts of physical harassment, abductions, the burning of homes, warrantless searches, confiscation of property, arbitrary arrests, the closure of political parties, and other discriminatory practices in favour of the Serbian population, which are intended to change the ethnic structure of those areas;

22. Calls for the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate entry of an international human rights monitoring presence into the country, particularly to Kosovo, and strongly urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the missions of the Conference on Security and Cooperation in Europe in Kosovo, Sandjak and Vojvodina and to cooperate with the Conference on Security and Cooperation in Europe by taking the practical steps for the resumption of the activities of these missions as called for by the Security Council in its resolution 855 (1993) in order to prevent the extension of the conflict of those areas;

23. Reaffirms that all parties to the conflict in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) share the responsibility for finding a peaceful solution through negotiations under the auspices of the International Conference on the Former Yugoslavia, urges that human rights concerns be given proper priority in the peace process, and calls upon the parties to implement immediately all commitments made in the framework of the International Conference on the Former Yugoslavia and to reach a just and durable solution as soon as possible;

24. Urges all United Nations bodies, including the United Nations Protection Force, the United Nations human rights treaty bodies and the specialized agencies, and Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Special Rapporteur, and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

25. Urges all States and relevant organizations to consider implementation of the recommendations of the Special Rapporteur and his recent reports, and in particular:

(a) Welcomes the Special Rapporteur's call for the opening of humanitarian relief corridors to prevent the imminent death of tens of thousands of persons, especially in view of the lack of access to many areas in the face of the coming winter;

(b) Supports the Special Rapporteur's call for the immediate release of detainees into conditions of safety;

(c) Draws the attention of the international community to the need for an effective response to counter the policy of "ethnic cleansing" perpetrated by any side, particularly the Bosnian Serb forces, who have used such tactics as a matter of policy, and Bosnian Croat forces;

(d) Supports the request of the Special Rapporteur to the Croatian authorities to take action against those who have committed human rights violations and contravened international humanitarian standards in the Medak Pocket and to take steps to punish those responsible to prevent such incidents in the future;

(e) Welcomes the signing of the Joint Declaration with respect to Freedom of Movement of 18 November 1993, in which the signatories have solemnly agreed to ensure complete and secure freedom of movement for all personnel of the United Nations and international humanitarian organizations and which was solemnly renewed within the framework of the Geneva Conference of 29 November 1993;

26. Urges the Secretary-General to take all necessary steps to ensure the full and effective coordination of all United Nations bodies to implement the present resolution, and urges those bodies concerned with the situation in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of

Yugoslavia (Serbia and Montenegro) to coordinate closely with the Special Rapporteur and the Tribunal;

27. Also urges the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate and in particular to provide him with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force;

28. Requests the Secretary-General to give all other necessary assistance to the Special Rapporteur to enable him to fulfil his mandate;

29. Calls upon the States concerned to cooperate fully with the Special Rapporteur in order to enable him to fulfil his mandate;

30. Invites the Chief Prosecutor to consider the appointment of experts in the prosecution of crimes of sexual violence to his office;

31. Calls upon States to put experts, including experts in the prosecution of crimes of sexual violence, at the disposal of the Chief Prosecutor and the Tribunal;

32. Invites the Commission on Human Rights at its fiftieth session to request the Special Rapporteur to report to the General Assembly at its forty-ninth session;

33. Decides to continue its examination of the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) at its forty-ninth session under the item entitled "Human rights questions".

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Australia, Cambodia, France and Indonesia: draft resolution

Situation of human rights in Cambodia

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict 3/ signed on 23 October 1991, including part III relating to human rights,

Recalling Commission on Human Rights resolution 1993/6 of 19 February 1993,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that Cambodia's tragic recent history requires special measures to assure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past as stipulated in article 5 of part III of the Paris Agreements, 3/

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ A/46/608-S/23177.

Welcoming the elections of May 1993 and the inauguration of the Government of the Kingdom of Cambodia,

1. Welcomes the establishment in Cambodia of an operational presence of the Centre for Human Rights to:

(a) Manage the implementation of educational and technical assistance and advisory services programmes, and to ensure their continuation;

(b) Assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments recently adhered to, including the preparation of reports to the relevant monitoring committees;

(c) Provide support to bona fide human rights groups in Cambodia;

(d) Contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) Continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) Continue to assist with the training of persons responsible for the administration of justice;

2. Requests the Secretary-General, in line with all effective measures, to assure the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing overall United Nations resources, for the functioning of the operational presence of the Centre for Human Rights in Cambodia;

3. Welcomes also the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in paragraph 6 of Commission on Human Rights resolution 1993/6;

4. Requests the Secretary-General to provide all necessary resources to enable the Special Representative to fulfil these tasks expeditiously;

5. Also requests the Secretary-General to report to the General Assembly at its forty-ninth session on the role of the Centre for Human Rights in assisting the Cambodian Government and people in the promotion and protection of human rights and on any recommendations made by the Special Representative on matters within his mandate;

6. Decides to continue its consideration of the situation of human rights in Cambodia at its forty-ninth session.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Canada, Costa Rica, Finland, Germany, Hungary, Ireland, Italy, Japan, Jordan, Luxembourg, Netherlands, New Zealand, Nigeria, Poland and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights and mass exoduses

The General Assembly,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Noting that the report of the Secretary-General entitled "An Agenda for Peace" 1/ identifies the protection of human rights as an important element of peace, security and economic well-being and highlights the importance of preventive diplomacy,

Deeply disturbed by the increasing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons,

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1/ A/47/277-S/24111.

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for strengthening international cooperation aimed at averting new massive flows of refugees while providing durable solutions to actual refugee situations,

Reaffirming its resolution 41/70 of 3 December 1986, in which it endorsed the conclusions and recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees,

Recalling its resolution 46/127 of 17 December 1991 and Commission on Human Rights resolution 1993/70 of 10 March 1993, as well as all previous relevant resolutions of the General Assembly and the Commission on Human Rights,

Noting that the Secretary-General, in his report on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, 2/ states that in complex emergencies, humanitarian assistance is essential but must be complemented by measures to address the root causes of such emergencies, and that the establishment of the inter-agency consultation on early warning serves the purposes of both prevention and preparedness,

Noting also that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between the observance of human rights standards, refugee movements and problems of protection,

1. Recalls its endorsement, in its resolution 41/70, of the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including, inter alia, the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language;

2. Once again invites all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation with and assistance to worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

3. Requests all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights and humanitarian law, as this would contribute to averting new massive flows of refugees and displaced persons;

2/ A/47/595.

4. Requests all United Nations bodies, including the United Nations human rights treaty bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant and accurate information in their possession on the human rights situations creating or affecting refugees and displaced persons within their mandates;

5. Welcomes the recommendation in Commission on Human Rights resolution 1993/70 of 10 March 1993 that special rapporteurs, special representatives and working groups studying situations of violation of human rights pay attention to problems resulting in mass exoduses of populations and, where appropriate, report and make relevant recommendations to the Commission on Human Rights;

6. Notes that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between the observance of human rights standards, refugee movements, problems of protection and solutions;

7. Welcomes the contributions of the High Commissioner to the deliberations of international human rights bodies, and encourages her to seek ways to make these contributions even more effective;

8. Also welcomes the statement made by the United Nations High Commissioner for Refugees at the forty-ninth session of the Commission on Human Rights, on 3 March 1993, in which she emphasized the need for early response by the international community to human rights situations which threaten to generate refugees and displaced persons, or which impede their voluntary return;

9. Encourages States that have not already done so to accede to the 1951 Convention relating to the Status of Refugees 3/ and the Protocol thereto of 1967; 4/

10. Takes note with appreciation of the emphasis placed by the Secretary-General in his report to the General Assembly at its forty-seventh session on the need to develop the capacity of the United Nations for early warning and preventive diplomacy to help deter humanitarian crises; 5/

11. Reiterates, in this regard, its previous resolutions on the question of human rights and mass exoduses, and requests the Secretary-General, in the further development of the capacity of the Secretariat for early warning and preventive diplomacy, to pay particular attention to international cooperation to avert new flows of refugees;

3/ United Nations, Treaty Series, vol. 189, No. 2545.

4/ Ibid., vol. 606, No. 8791.

5/ A/47/595.

12. Notes, in this connection, that mass movements of populations are caused by multiple and complex factors, which indicates that early warning requires an intersectoral and multidisciplinary approach;

13. Encourages the Secretary-General especially to continue to discharge the task described in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including the continuous monitoring of all potential outflows, and to implement the recommendations of the Joint Inspection Unit contained in its report entitled "The coordination of activities related to early warning of possible refugee flows"; 6/

14. Urges the Secretary-General to attach a high priority and allocate the necessary resources from the regular budget of the United Nations to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area by, inter alia, the designation of the Department of Humanitarian Affairs as the focal point for early warning in this area and strengthened coordination between relevant offices of the Secretariat concerned with early warning and organizations of the United Nations system, for the purpose of ensuring, inter alia, that effective action is taken to identify human rights abuses which contribute to mass outflows or persons;

15. Welcomes the decision by the Administrative Committee on Coordination to establish a regular United Nations inter-agency early-warning consultation related to possible flows of refugees and displaced persons, based on the sharing and analysis of relevant information between United Nations bodies and the development of collective recommendations for action to alleviate, inter alia, the possible causes of new flows of refugees and displaced persons;

16. Also welcomes the decision by the Administrative Committee on Coordination to designate the Department of Humanitarian Affairs as the focal point of the United Nations inter-agency early-warning consultation;

17. Urges the Department of Humanitarian Affairs to take the necessary steps to function effectively as the focal point of the inter-agency early-warning consultation;

18. Urges all the bodies involved in the inter-agency consultation to cooperate fully in, and devote the necessary resources to, the successful operation of the consultation;

19. Invites the Commission on Human Rights to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons;

6/ A/45/649.

20. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the strengthened role that he is playing in undertaking early-warning activities, especially in the areas of human rights and humanitarian assistance, as well as on any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees and the recommendations of the Joint Inspection Unit; 6/

21. Invites the Secretary-General to include in his report to the General Assembly at its fiftieth session detailed information on the programmatic, institutional, administrative, financial and managerial efforts instituted to enhance the capacity of the United Nations to avert new flows of refugees and to tackle the root causes of such outflows;

22. Decides to continue its consideration of the question of human rights and mass exoduses at its fiftieth session.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Austria, Belarus, Chile, France, Poland and Senegal: draft resolution

Human rights and scientific and technological progress

The General Assembly,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Bearing in mind the relevant provisions of the Universal Declaration of Human Rights, 1/ the International Covenant on Economic, Social and Cultural Rights, 2/ the International Covenant on Civil and Political Rights, 2/ and the Declaration on Social Progress and Development, 3/

Reaffirming the importance of its resolution 45/95 of 14 December 1990 adopting "Guidelines for the regulation of computerized personnel data files" and its resolution 46/119 adopting the principles for the protection of persons with mental illness and the improvement of mental health care,

Welcoming with satisfaction resolution 1993/91 of 10 March 1993 of the Human Rights Commission entitled "Human rights and bioethics", as well as its

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XX), annex.

3/ Resolution 2541 (XXIV).

decision 1993/113 of 10 March 1993 entitled "Question of the follow-up to the guidelines for the regulation of computerized personal files",

Congratulating relevant paragraphs of the Vienna Declaration and Programme of Action, 4/

Aware that everyone had the right to enjoy the benefits of scientific progress and its applications,

Reaffirming the need to respect human rights and fundamental freedoms and the dignity of the human person in the conditions of scientific and technological progress,

Noting that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual,

Considering also that the human being is in the centre of social and economic development,

Conscious that modern science and technology give the possibility to create material conditions for the prosperity of society and for the thorough development of the human person,

Recognizing the need for international cooperation so that all mankind can benefit the achievements of scientific and technological progress and to ensure their use in favour of economic and social progress for all,

Convinced of the need to develop life science ethics both nationally and internationally,

1. Calls upon all Member States to ensure that the achievements of scientific and technological progress and the intellectual potential of mankind are used for promoting and encouraging universal respect for human rights and fundamental freedoms;

2. Also calls upon Member States to take the necessary measures to ensure that the results of science and technology are used only for the benefit of the human being and do not lead to the disturbance of the ecological environment;

3. Emphasizes that scientific knowledge and technology in health, education, housing and other social spheres should be readily available to the populations as the heritage of humanity;

4. Requests the specialized agencies and other United Nations bodies to inform the Secretary-General of the activities and programmes carried out to ensure development life and technical sciences respectful of human rights, in order to contribute the reports of the Secretary-General requested in resolution 1993/91 and decision 1993/113 of the Human Rights Commission;

4/ A/CONF.157/24 (Part I), chap. III.

5. Decides to consider the question of human rights and scientific and technological progress at its fiftieth session, under the item entitled "Human rights questions".

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SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA

Estonia and Latvia: proposed amendments to draft resolution A/C.3/48/L.37/Rev.1

Situation of human rights in Estonia and Latvia

1. Add a new preambular paragraph between the fifth and sixth preambular paragraphs reading

Noting the issues that have arisen as a result of the populations transferred into Estonia and Latvia,

2. Delete the sixth and seventh preambular paragraphs.

3. In the eighth preambular paragraph, delete

regional intergovernmental organizations and non-governmental organizations

4. In operative paragraph 1, delete

as well as other missions of international experts

5. Operative paragraph 2 should read

Endorses the conclusions of the Secretary-General's report, 4/ inter alia, with regard to problems of different communities in Estonia and Latvia;

6. Delete operative paragraphs 5 and 6.

7. Operative paragraph 7 should read

Requests all States and parties concerned to work in a constructive manner to observe the recommendations and respect the conclusions of the United Nations reports on the situation of human rights in Estonia and Latvia.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Malaysia: proposed amendments to draft resolution A/C.3/48/L.59

Establishment of a United Nations High Commissioner for Human Rights

A. Add the following preambular paragraphs:

1. Reaffirming its commitment to the purposes and principles of the Charter of the United Nations,

2. Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to promote and encourage respect for all human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

3. Emphasizing the need to observe the principles of the Universal Declaration of Human Rights and for the full implementation of the human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development,

4. Considering that the promotion and the protection of all human rights is one of the priorities of the international community,

5. Recalling that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in promoting and encouraging respect for human rights,

6. Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the principles set forth in Article 55 of the Charter,

7. Aware that all human rights are universal, indivisible, interdependent and interrelated and that, as such, they should be given the same emphasis,

8. Emphasizing the need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-selectivity in the spirit of constructive international dialogue and cooperation,

9. Reaffirming its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

10. Convinced that the World Conference on Human Rights made an important contribution to the cause of human rights and that its recommendations should be implemented as appropriate, through effective action by all States, the competent organs of the United Nations and the specialized agencies, as well as non-governmental organizations,

11. Recognizing that the activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field,

12. Acknowledging the importance of strengthening the provision of advisory services and technical assistance by the Centre for Human Rights and other relevant programmes and bodies of the United Nations system for the purpose of the promotion and protection of all human rights,

B. Replace the first preambular paragraph with the following:

13. Reaffirming the necessity for a continued adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights and the need to improve their coordination, efficiency and effectiveness, as reflected in the Vienna Declaration and Programme of Action and within the Framework of a balanced and sustainable development for all people,

C. Replace the second preambular paragraph with the following:

14. Determined to strengthen, adapt and streamline the existing mechanisms to promote and protect all human rights and fundamental freedoms while avoiding unnecessary duplications,

D. Add the following preambular paragraph:

15. Reaffirming that the General Assembly, the Economic and Social Council and the Commission on Human Rights are the responsible organs for

decision and policy-making for the promotion and protection of all human rights,

E. Maintain the third preambular paragraph.

F. Replace operative paragraph 1 with the following:

Decides to create the post of the United Nations High Commissioner for Human Rights;

G. Replace the entire annex of L.59 with the following operative paragraphs:

2. Decides that the High Commissioner for Human Rights shall:

(a) Be a person of a high moral standing and personal integrity and shall possess expertise, including in the field of human rights, with a general knowledge and understanding of diverse cultures, necessary for impartial, objective, non-selective and effective performance of the duties of the High Commissioner;

(b) Be appointed by the Secretary-General and approved by the general Assembly, with due regard to geographical rotation, and have a fixed term of four years with a possibility of one renewal for another fixed-term of four years;

(c) Be of the rank of Under-Secretary-General;

3. Decides that the High Commissioner for Human Rights shall:

(a) Function within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights, other international instruments of human rights and international law, including the obligations, within this framework, to respect the sovereignty, territorial integrity and domestic jurisdiction of States and to promote the universal respect and observance of all human rights;

(b) Be guided by the recognition that all human rights, civil, cultural, economic, political and social, are universal, indivisible, interdependent and interrelated and, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

(c) Act within a framework of a balanced and sustainable development for all people without conditions and of securing realization of the right to development as established in the Declaration on the Right to Development;

(d) Act, where the particular interest of a Member State is concerned, at the request and on the basis of the consent of the State concerned;

(e) Demonstrate impartiality, objectivity, non-selectivity and non-politicization in the implementation of his mandate;

(f) Recognize that the use of human rights as a condition for international cooperation for development is incompatible with the promotion and protection of human rights;

4. Decides that the High Commissioner for Human Rights will be the United Nations official with principal responsibility for United Nations human rights activities under the direction of the Secretary-General; within the framework of the overall competence, authority and decisions of the Secretary-General, the General Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner's responsibilities shall include:

(a) Promoting the effective enjoyment of all civil, political, economic, social and cultural rights, including the right to development;

(b) Monitoring the implementation of the Declaration on the Right to Development, inter alia, by working closely with the Working Group on the Right to Development, established by Commission on Human Rights resolution 1993/22 of 4 March 1993, and make recommendations to fulfil the objectives of the Declaration on the Right to Development;

(c) Carrying out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and to make recommendations to them with a view to improving the promotion and protection of all human rights;

(d) Provision, through the Centre for Human Rights and other appropriate institutions, of advisory services and technical and financial assistance, at the request of the State concerned;

(e) Coordination of relevant United Nations education and public information programmes in the field of human rights;

(f) Playing a catalytic role in promoting the realization of the right to development by mobilizing the support and capabilities of the international financial/development institutions;

(g) Playing an active role in the elimination and prevention of violations of all human rights around the world, as reflected in the Vienna Declaration and Programme of Action;

(h) Remaining, under the direction of the Secretary-General and in accordance with the mandate, in contact with Governments with a view to promoting and protecting all human rights;

(i) Enhancing international cooperation for the promotion and protection of all human rights;

(j) Coordination of the human rights promotion and protection activities throughout the United Nations system;

(k) Rationalization, strengthening and streamlining of the United Nations machinery in the field of human rights, with a view to improving its efficiency and effectiveness;

(l) Overall supervision of the Centre for Human Rights;

5. Requests the High Commissioner for Human Rights to report annually to the Commission on Human Rights, the Economic and Social Council and the General Assembly;

6. Decides that the Office of the High Commissioner for Human Rights shall be located at Geneva and shall have a liaison office in New York;

7. Requests that the Secretary-General provide appropriate staff and resources to enable the High Commissioner to fulfil his/her mandate, without diverting resources from the development programmes and activities of the United Nations;

8. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Programme budget implications of draft resolution A/C.3/48/L.38

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. Under the terms of operative paragraphs 2 and 9 of draft resolution A/C.3/48/L.38, the General Assembly would:

(a) Endorse the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights;

(b) Request the Secretary-General, the General Assembly, the Commission on Human Rights and other organs and agencies of the United Nations system related to human rights to take further action with a view to the full implementation of all recommendations of the Conference.

B. Relationship of the request to the approved programme of work

2. The above request is related to major programme VII, Human rights, fundamental freedoms and humanitarian affairs, programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997, as revised, 1/ and the programme of activities of section 21, Human rights of the proposed programme budget for the biennium 1994-1995. 2/

C. Activities by which the request would be implemented

3. It may be recalled that, in the proposed programme budget for the biennium 1994-1995, the Secretary-General has proposed an increase in the level of resources for the Centre for Human Rights in order to provide for the strengthening of the Centre. Following a careful review of the provisions of the Vienna Declaration and Programme of Action, 3/ which this draft resolution would endorse, it is anticipated that with this increase in the level of resources, the Centre would be in a position to respond to most of the provisions of the Programme of Action that are addressed to the Centre. A limited number of provisions that would give rise to the need for additional resources are dealt with in the present statement.

1. Ratification of the human rights treaties and protocols

4. In paragraph 4 of section II of the Vienna Declaration and Programme of Action, 3/ the World Conference on Human Rights strongly recommends that a concerted effort be made to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols adopted within the framework of the United Nations system with the aim of universal acceptance. The Secretary-General, in consultation with treaty bodies, should consider opening a dialogue with States not having acceded to these human rights treaties, in order to identify obstacles and to seek ways of overcoming them.

5. In order to implement this recommendation, the organization of two regional meetings would be required with a view to familiarizing appropriate officials with the contents of the treaties, encouraging ratification and identifying and resolving obstacles to ratification. In addition, the Centre for Human Rights in consultation with the treaty bodies would carry out a study by region, on ratification of human rights treaties with a view to identifying the obstacles to ratification or acceptance and the means by which they can be overcome. The result would be suggestions for an overall approach to achieving universal acceptance as soon as possible. Another study by region would also be carried out regarding reservations and ways and means of achieving the objectives of the World Conference.

6. This would require the provision of temporary assistance ($137,000) to prepare the studies and $131,000 for the convening of two meetings.

7. The following activities would be included in the proposed programme budget for the biennium 1994-1995 under subprogramme 1, Implementation of international instruments and procedures of section 21, Human rights:

"2(b) Technical services

(iii) two technical studies: (a) ratification of human rights treaties; (b) reservations and ways and means of achieving the objectives of the World Conference."

2. Racism, racial discrimination, xenophobia and other forms of intolerance

8. Under paragraph 19 of section II of the Programme of Action, the World Conference considers the elimination of racism and racial discrimination as a primary objective for the international community and a world-wide promotion programme in the field of human rights, and calls for the United Nations organs and agencies to strengthen their efforts to implement a programme of action related to the Third Decade to Combat Racism and Racial Discrimination. The strengthening of efforts, bearing in mind also the provisions contained in draft resolution A/C.3/48/L.13/Rev.1 concerning the proclamation of the Third Decade and its related Programme of Action, would require that a team within the Centre for Human Rights be established. The team would monitor the implementation of the programme of activities within the framework of the Decade. Two additional posts, one P-5 and one General Service/Other Level post, would be required. The P-5 officer would be responsible for coordination and monitoring of all activities within the Centre for Human Rights and would maintain liaison with agencies and institutions for developing common approaches on this subject.

9. The additional activities which would be included in the proposed programme budget for the biennium 1994-1995, section 21, Human rights, subprogramme 2, Elimination and prevention of discrimination and protection of minorities and vulnerable groups, are as follows:

"3. Coordination, harmonization and liaison

"(a) Coordination and monitoring of activities of the Third Decade to Combat Racism and Racial Discrimination."

3. Indigenous people

10. Under paragraph 30 of section II of the Vienna Declaration and Programme of Action, the World Conference recommends that adequate human and financial resources be made available to the Centre for Human Rights within the overall framework of strengthening the Centre's activities, and under paragraph 32, the World Conference recommends that the General Assembly proclaim an international decade of the world's indigenous people, to begin from January 1994, including action-oriented programmes to be decided upon in partnership with indigenous people.

11. In pursuance of these recommendations and bearing in mind similar provisions contained under draft resolution A/C.3/48/L.54, the provision to the Centre for Human Rights of two additional posts, one P-4 and one General Service, would be required in order to assist in the coordination of the programme of activities for the International Decade of the World's Indigenous People, in full consultation with Governments, relevant bodies, the specialized agencies, indigenous and non-governmental organizations and the organization and servicing of all meetings relating to this subject, including the Working Group, seminars of experts, drafting of reports and supervising consultants engaged in preparation of reports mandated by the General Assembly and by the Commission on Human Rights. The officer would also maintain liaison with special rapporteurs, conduct research and prepare articles and other promotional material. The

programmes and projects to be undertaken in pursuance of the goals of the Decade would be financed from a voluntary trust fund which would be established for this purpose.

12. The additional activities which would be included in the proposed programme budget for the biennium 1994-1995, section 21, Human rights, subprogramme 2, Elimination and prevention of discrimination and protection of minorities and vulnerable groups, are as follows:

"3. Coordination, harmonization and liaison

"(b) Coordination of activities relating to the Working Group on Indigenous Populations and the programme for indigenous people (including the activities of the International Year of the World's Indigenous People).

4. Rights of the child

13. Under paragraph 46 of section II of the Vienna Declaration and Programme of Action, the World Conference on Human Rights recommends that measures should be taken to achieve universal ratification of the Convention on the Rights of the Child by 1995 and the universal signing of the World Declaration on the Survival, Protection and Development of Children and Plan of Action adopted by the World Summit for Children. Under paragraph 53, the World Conference recommends that the Committee on the Rights of the Child, with the assistance of the Centre for Human Rights, be enabled expeditiously and effectively to meet its mandate, especially in view of the unprecedented extent of ratification and subsequent submission of country reports.

14. In order to implement these recommendations, a focal point would be established at the Centre for Human Rights to coordinate action and to maintain liaison on issues related to the child within the United Nations. It would also coordinate closely with the United Nations Children's Fund (UNICEF) with regard to achieving the goals of the World Summit for Children. Increased assistance would be provided to the Committee on the Rights of the Child, in order that the Committee may deal with the reporting obligations of the more than 150 States parties. This would require the provision to the Centre of Human Rights in 1994-1995 of four additional posts, one P-4, one P-3 and two General Service.

15. The P-4 human rights officer would act as a focal point in the office of the Assistant Secretary-General and would coordinate action and maintain liaison on issues related to the child within the United Nations system, and in particular with UNICEF, and other relevant agencies and bodies. The staff member would also coordinate closely with UNICEF with regard to achieving the goals of the Programme of Action of the World Summit for Children, including the integration of the Convention on the Rights of the Child into national plans of action, and would finalize a specific programme for ratification of the Convention by 1995.

16. The P-3 human rights officer would assist the Secretary of the Committee on the Rights of the Child in performing necessary organizational, research, drafting and analytical tasks related to the operation of the Committee.

17. The following activities would be included in the proposed programme budget for the biennium 1994-1995, section 21, Human rights, subprogramme 2, Elimination and prevention of discrimination and protection of minorities and vulnerable groups:

"3. Coordination, harmonization and liaison

"(c) Coordination of and liaison on the activities relating to rights of the child."

D. Additional requirements at full cost

18. The implementation of the requests contained in draft resolution A/C.3/48/L.38 would require a total additional provision of $1,987,400, as follows:

		$
(1)	Ratification of the human rights treaties Temporary assistance: (9 work-months of P-4, 6 work-months of GS)	137.0
	Travel of 15 participants to two meetings	131.0
	Total:	268.0
(2)	Racism and racial discrimination (1 P-5, 1 GS)	468.4
(3)	Indigenous people (1 P-4, 1 GS)	431.1
(4)	Rights of the child (1 P-4, 1 P-3, 2 GS)	819.9
	Grand total:	1 987.4

In addition, it is estimated that $505,000 would be required under section 28 (Staff assessment), to be offset by the same amount under Income section 1 (Income from staff assessment).

E. Potential for absorption

19. In the proposed programme budget for the biennium 1994-1995, under section 21, Human rights, provision has been made for one P-4, one P-3 and two General Service posts in connection with the implementation of the International Convention on the Protection of all Migrant Workers and their Families. Since this Convention is not likely to enter into force in 1994-1995, these resources would be redeployed to the additional work envisaged in respect of the rights of the child. As and when the Convention on the Protection of All Migrant Workers enters into force, the Secretary-General will revert to the question and seek

the resources required. As regards the remaining activities described in the present statement, no provision has been made in the proposed programme budget for the biennium 1994-1995.

F. Indication of additional requirements

20. Accordingly, should the General Assembly adopt draft resolution A/C.3/48/L.38, it is estimated that additional requirements of $1,167,500 would arise under section 21 of the proposed programme budget for the biennium 1994-1995. Furthermore, an amount of $287,100 would be requested under section 28 (Staff assessment), to be offset by the same amount under Income section 1 (Income from staff assessment).

G. Contingency fund

21. It will be recalled that under the procedure established by the General Assembly in its resolution 41/213 of 19 December 1986, a contingency fund is established each biennium to accommodate additional expenditures derived from the legislative mandates not provided for in the proposed programme budget. Under the same procedure, if additional expenditures are proposed that exceed resources available from the contingency fund, these activities can be implemented only through the redeployment of resources available from low-priority areas or the modification of existing activities. Otherwise, such additional activities will have to be deferred until a later biennium. A consolidated statement of all programme budget implications and revised estimates will be submitted to the General Assembly towards the end of the current biennium.

22. No activity has been identified for termination, deferral, curtailment or modification under section 21 of the proposed programme budget for the biennium 1994-1995. Should it not prove possible to meet the costs required from the contingency fund, the implementation of the draft resolution may have to be postponed, as provided for under the guidelines for the use and operation of the continency fund adopted by the General Assembly in resolution 42/211 of 21 December 1987.

H. Summary

23. Should the General Assembly adopt draft resolution A/C.3/48/L.38, it is estimated that additional appropriations of $1,167,500 would be required under section 21 of the proposed programme budget for the biennium 1994-1995. Furthermore, an amount of $287,100 would be required under section 28 (Staff assessment), to be offset by the same amount under income section 1 (Income from staff assessment).

Notes

1/ See Official Records of the General Assembly, 1992 (A/47/6/Rev.1).

2/ A/48/6 (Sect. 21).

3/ A/CONF.157/24 (part I), chap. III.

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Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Programme budget implications of draft resolution A/C.3/48/L.74/Rev.1

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. Under the terms of operative paragraph 27 of draft resolution A/C.3/48/L.74/Rev.1, the General Assembly would urge the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate and in particular to provide him with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force; under paragraph 28, the General Assembly would request the Secretary-General to give all other necessary assistance to the Special Rapporteur to enable him to fulfil his mandate.

B. Relationship of the request to the proposed programme of work

2. The above request is related to major programme VII, Human rights, fundamental freedoms and humanitarian affairs, programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997, as revised. 1/ Related activities are reflected under subprogramme 1, Implementation of international instruments and procedures, of section 21, Human rights, of the proposed programme budget for the biennium 1994-1995. 2/

C. Activities by which the request would be implemented

3. It may recalled that at its first special session in August 1992, the Commission for Human Rights requested its Chairman to appoint a special rapporteur 3/ to investigate first-hand the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina, and to receive relevant and credible information on the human rights situation there from Governments, individuals and intergovernmental and non-governmental organizations, on a continuing basis, and to avail himself or herself of the assistance of existing mechanisms of the Commission on Human Rights. To assist the Special Rapporteur, five posts (1 P-5, 1 P-4, 3 P-3) were redeployed to the Centre in 1992 specifically to assist him in carrying out his mission. In addition, temporary assistance and operational resources relating to travel, transportation and equipment were also made available to assist the Special Rapporteur.

4. These resources have also been utilized to respond to subsequent legislative decisions, namely Economic and Social Council decisions 1993/255 and 1993/256.

5. During 1993 the Special Rapporteur conducted four trips to Geneva for consultations and the introduction of his report to the Commission on Human Rights, and three fact-finding missions to the territory of the former Yugoslavia. Field activities in the region have also been undertaken by the Centre for Human Rights, which has in Zagreb three staff members financed from extrabudgetary resources. It is anticipated that the Special Rapporteur will continue to receive the level of support which he received during 1992 and 1993.

6. Under the terms of draft resolution A/C.3/48/L.74/Rev.1, the Secretary-General would be urged, within existing resources, to provide the Special Rapporteur with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective, continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force. This would require the provision to the Centre for Human Rights in 1994 of additional temporary assistance funds in the total amount of $697,800 to cover the services of six P-3 field officers and four locally recruited General Service staff. The field officers would provide the Special Rapporteur with information which would allow him to fully assess the human rights situation in the territory of the former Yugoslavia and to take prompt action. In addition, operational resources for travel and equipment would be required.

D. Modifications required in the proposed programme of work for 1994-1995

7. The activities called for by the draft resolution would fall under paragraph 1 (a) (i) of subprogramme 1 of section 21, Human rights, of the proposed programme budget for the biennium 1994-1995. Accordingly, no modifications would be required.

E. Additional requirements at full cost

8. The implementation of the request contained in operative paragraph 27 of draft resolution A/C.3/48/L.74/Rev.1 would require a total additional provision of $740,300, as follows:

	Thousands of United States dollars
(a) Temporary assistance	
Six P-3 for 12 work-months in 1994	661.8
Four locally recruited secretary-translators (General Service) for 12 work-months in 1994	36.0
	697.8
(b) Non-post	
Travel of field officers after recruitment and back (Geneva-Belgrade)	13.0
Travel of field officers in the territory of the former Yugoslavia	15.0
Office equipment	14.5
	42.5
Total (a) and (b)	740.3

F. Potential for absorption

9. No specific provision has been made in the proposed programme budget for the biennium 1994-1995 under section 21, Human rights, to cover the estimated additional requirements of $740,300 related to the provision of staff to be based in the territory of the former Yugoslavia. Consequently, it would not be possible to give effect to this request within existing resources under the regular budget of the United Nations. Efforts will be made to secure voluntary resources for that purpose.

10. Accordingly, should the General Assembly adopt draft resolution A/C.3/48/L.74/Rev.1, no additional appropriations would be required under the proposed programme budget for the biennium 1994-1995.

Notes

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 6 (A/47/6/Rev.1), vol. II.

2/ A/48/6 (sect. 21).

3/ See Official Records of the Economic and Social Council, Supplement No. 2A (E/1992/22/Add.1/Rev.1), resolution 1992/S-1/1.

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NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS

Programme budget implications of draft resolution A/C.3/48/L.40

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. Under operative paragraphs 7 and 9 the General Assembly would:

(a) Request the Secretary-General to appoint an expert, working in collaboration with the Centre for Human Rights and the United Nations Children's Fund (UNICEF) to undertake a comprehensive study of this question, including the participation of children in armed conflict, as well as the relevance and adequacy of existing standards, and to make specific recommendations on ways and means of improving the protection of children in armed conflicts and on measures to ensure effective protection of these children and to promote their physical and psychological recovery and social reintegration, taking into account the recommendations by the World Conference on Human Rights and the Committee on the Rights of the Child;

(b) Request the Secretary-General to submit a progress report on this study to the General Assembly at its forty-ninth session.

B. Relationship of the request to the proposed programme of work

2. The above request is related to major programme VII, Human rights, fundamental freedoms and humanitarian affairs, programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997, as revised. 1/ Related activities are reflected under subprogramme 2, Elimination

and prevention of discrimination and protection of minorities and vulnerable groups, of section 21, Human rights, of the proposed programme budget for the biennium 1994-1995. 2/

C. Activities by which the request would be implemented

3. Should the General Assembly adopt draft resolution A/C.3/48/L.40, the Secretary-General would appoint an expert to undertake the requested study. This expert would work in collaboration with the Centre for Human Rights and UNICEF. The expert would undertake three trips to Geneva, each for a period of five working days, in order to hold consultations at the Centre for Human Rights, to review documentation and other pertinent material received and to consult with Governments and non-governmental organizations. The expert would present the progress report requested in operative paragraph 9 to the General Assembly and consult with UNICEF.

D. Modifications required in the proposed programme of work for 1994-1995

4. Should the General Assembly adopt draft resolution A/C.3/48/L.40 the following activities would be included under subprogramme 2, Elimination and prevention of discrimination and protection of minorities and vulnerable groups, of section 21 of the proposed programme budget for the biennium 1994-1995:

(a) Parliamentary services: progress report to the General Assembly on the study of means of protecting children in armed conflicts.

E. Additional requirements at full costs

5. The estimated cost of the above activity is as follows:

	$
Three round trips to Geneva by the expert for consultation at the Centre for Human Rights (five days each)	
Travel and subsistence	11 500
Round trip to New York by the expert to present his report to the General Assembly (five days)	3 500
Total	15 000

F. Potential for absorption

6. The proposed programme budget for the biennium 1994-1995 includes no provision for the activities outlined above, but it is anticipated that the related estimates of $15,000 could be absorbed within the resources proposed for 1994-1995 under section 21, Human rights.

7. Accordingly, should the General Assembly adopt draft resolution A/C.3/48/L.40, no additional appropriation would be required under section 21 of the proposed programme budget for the biennium 1994-1995.

Notes

1/ A/47/6/Rev.1.

2/ A/48/6 (sect. 21).